

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GEORGE PAPPAS, individually and)	
on behalf of all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:20-cv-00983
)	
)	Judge: Manish S. Shah
AUTO CLUB INSURANCE ASSOCIATION,)	
)	
Defendant.)	

**DEFENDANT AUTO CLUB INSURANCE ASSOCIATION'S MOTION TO DISMISS
PLAINTIFF'S CLASS ACTION COMPLAINT OR IN THE ALTERNATIVE, TO
DISMISS PLAINTIFF'S ACTUAL CASH VALUE ALLEGATIONS AND MULTI-
STATE CLASS ALLEGATIONS**

Pursuant to Federal Rules of Civil Procedure ("FRCP") 12(b)(6) and 12(b)(1), and Federal Rule of Civil Procedure 23, Defendant Auto Club Insurance Association ("Defendant" or "ACIA") moves to dismiss with prejudice the Complaint of Plaintiff George Pappas ("Plaintiff") or in the alternative to dismiss with prejudice Plaintiff's allegations relating to the payment of actual cash value and/or the multi-state class allegations. Plaintiff's Complaint fails to state a valid claim for breach of contract or unjust enrichment and Plaintiff lacks standing to bring the unjust enrichment claims as well as the multi-state class claims.

WHEREFORE, and for the reasons stated in Defendant's Memorandum of Law In Support Of Its Motion to Dismiss Plaintiff's Class Action Complaint, Or In The Alternative To Dismiss Plaintiff's Actual Cash Value Payment And/Or Multi-State Class Allegations, Plaintiff's Complaint should be dismissed. In support of this Motion, Defendant submits the above indicated supporting Memorandum of Law.

The undersigned Counsel for Defendant has spoken with Attorney Jeffrey A. Berman, one of the Counsel for Plaintiff, and Defendant's Motion to Dismiss is a contested Motion.

Respectfully submitted this 18th day of February, 2020.

/s Nick Papastratakos
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